

REMARKS

Applicant's undersigned attorney appreciates the courtesies extended by the Examiner during the recent interview. Each of the claims, namely, Claims 1 and 3-18, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,838,873 to Harold Blatter et al. in view of U.S. Patent No. 5,999,622 to Hiroshi Yasukawa et al. As discussed during the interview and as submitted herewith, each independent claim, that is independent Claims 1 and 9, has again been amended to further patentably distinguish the claimed invention from the cited references. As discussed below, the amendments to the independent claims do not raise new issues but, instead, amplify recitations relating to the establishment of authenticated contact prior to the provision of additional protection data. As such, Applicant submits that this Amendment should be substantively considered at this stage of prosecution. In light of these amendments and the following remarks, Applicant respectfully requests reconsideration of this application and allowance of the amended set of claims.

As set forth by independent Claim 1, an apparatus for protecting electronically-published documents is provided in which a local computer system is adapted to call up, execute or output the electronically-published documents. In this regard, the local computer system includes local data storage means for storing a representation of the electronically-published documents in a form that is not usable by a user. In this regard, the data storage means is adapted to store the electronically-published documents in a non-reconstructed and, in particular, a non-linear form. Independent Claim 1 also recites that the local computer system includes means capable of receiving and processing additional protection data provided by an external data source by way of the internet. Independent Claim 1 further recites that the local computer system insures that the communication between the local computer system and the external data source via the internet, such as to obtain the additional protection data, is authenticated contact or at least temporary authenticated contact. As now amended, independent Claim 1 recites that the additional protection data is received and processed "following establishment of authenticated contact or at least temporary authenticated contact between the local computer system and the external data source". Likewise, independent Claim 1 has also been amended to recite that the authenticated contact occurs "prior to receipt of the additional protection data by the local

computer system.” As Claim 1 previously recited that the readability or usability of the document was dependent on authenticated contact, the foregoing amendments to Claim 1 do not raise new issues and instead only highlight the requirement for authentication prior to the provision of the additional protection data. Further, the local computer system of Claim 1 includes linking means adapted to link the content of the local data storage means with the additional protection data in order to produce the electronically-published document in a form usable, meaningful or suitable for sensory perception by the user. As such, the linking means converts the non-reconstructed document into a reconstructed linear document that is usable by the user by utilizing the additional protection data. Finally, the local computer system includes output means for calling up, executing or outputting the document.

Independent Claim 9 recites a comparable method in which document data is retrieved from a local data storage means which stores the document data in a non-reconstructed form, such as a non-linear form. Thus, the document is not stored locally in a form that is immediately usable, meaningful or suitable for sensory perception. Contact is also established and authenticated, at least temporarily, between a local computer system and an external data source via the internet to obtain additional protection data. The additional protection data is received such that the readability or usability of the document is dependent, on authenticated contact or at least temporary authenticated contact between the local computer system and the external data source via the internet. As now amended, independent Claim 9 recites that one step in receiving the additional protection data is to at least temporarily authenticate contact between the local computer system and the external data source. Likewise, independent Claim 9 has also been amended to recite that the authenticated contact occurs “prior to transfer of the additional protection data such that readability or usability of the produced document is dependent on authenticated contact or at least temporary authenticated contact.” As Claim 9 previously recited that the readability or usability of the document was dependent on authenticated contact, the foregoing amendments to Claim 9 also do not raise new issues and instead only highlight the requirement for authentication prior to the provision of the additional protection data. The additional protection data is then linked to the content of the local data storage means to convert

the document data to a form usable, meaningful or suitable for sensory perception by the user. Following its conversion, the document data is called up, executed or output.

With respect to rejection of the claims as being obvious over the Blatter '873 patent in view of the Yasukawa '622 patent, the Blatter '873 patent describes the downloading and storage of packetized datastreams. These packetized datastreams may be digital video, telephone messages, computer programs, internet data or the like. The packetized data may be encrypted. As such, encryption keys may be generated locally by the smart card system from encryption codes extracted from the input datastream. However, as discussed during the interview, the Blatter '873 patent does not teach or suggest that the local computer system includes means capable for receiving and processing additional protection data provided by the external data source by way of the internet, as recited by independent Claim 1. Likewise, the Blatter '873 patent does not teach or suggest receiving additional protection data from the external data source connected to the local computer system by way of the internet, as recited by amended independent Claim 9. Instead, the encryption keys necessary to decrypt the packetized data are all provided locally by the Blatter system. In this regard, the smart card generates the encryption keys based upon encryption codes extracted from the input datastreams that have also been locally stored.

In this regard, the Official Action indicates that the smart card 130 of the Blatter '873 patent serves as the external data source and that the provision of additional protection data as recited by the claimed invention is akin to the generation of the encryption keys by the smart card of the Blatter '873 patent. As noted by the Official Action, however, the smart card does not provide the encryption keys or any other form of additional protection data by way of the internet as recited by the amended independent claims. As such, the Official Action cites the Yasukawa '622 patent for its use of the internet to protect the distribution of data files. In this regard, the Yasukawa '622 patent describes a method and an apparatus in which locally-stored, encrypted data is decrypted by means of an encryption key that may be provided by means of a modem, an internet connection, a satellite connection, etc.

As an initial matter, Applicant submits that the requisite motivation or suggestion to combine the Blatter '873 patent and the Yasukawa '622 patent is lacking. In this regard, the

Blatter '873 patent suggests in column 1, lines 42-44 that the transmission of data that was subsequently utilized to reassemble packetized data was disadvantageous in that it reduced the communication bandwidth available for the program content. Thus, the Blatter '873 patent teaches away from the transmission of the encryption keys, as suggested by the Yasukawa '622 patent. Moreover, conditional access systems, such as the set top box and associated smart card described by the Blatter '873 patent, are recognized by those skilled in the art to be distinctly different from digital rights management (DRM) systems, such as described by the Yasukawa '622 patent and by the claimed invention, which relate to the management of copyright and related rights in digital content typically transmitted over computer networks including the internet. In this regard, an article entitled Digital Rights Management is attached that describes the distinctly different schools of thought surrounding DRM relative to conditional access systems. See, for example, pages 1 and 2 and Figures 1 and 2 of A. Morraert, et al., Digital Rights Management, Alcatel Telecommunications Review, 2nd Quarter 2003.

Thus, Applicant submits that one of ordinary skill in the art would recognize the dramatic differences between the conditional access system of the Blatter '873 patent and the DRM technique of the Yasukawa '622 patent and not attempt to combine these divergent technologies. Applicant therefore submits that the Blatter '873 patent and the Yasukawa '622 patent cannot properly be combined.

Even if the references were combined, however, the combination of the references still would not teach or suggest the apparatus and method of amended independent Claims 1 and 9, respectively. As also discussed during the interview, neither of the cited references teaches or suggests that the contact between the local computer system and the external data source via the internet be authenticated, as also recited by amended independent Claims 1 and 9. Moreover, neither of the cited references teaches or suggests that this authentication be provided prior to receipt of the additional protection data or, conversely, that the additional protection data be provided following establishment of authenticated contact, as recited by amended independent Claims 1 and 9. With respect to the Blatter '873 patent, no type of authentication is taught or suggested in conjunction with the smart card, let alone an authenticated internet connection that is established prior to provision of the additional protection data to the local computer system, as

recited by amended independent Claims 1 and 9. Moreover, Applicant notes that smart cards are often utilized in applications in which anonymity, not authentication, is desired. Additionally, the Yasukawa '622 patent fails to teach or suggest any type of authentication. In this regard, the Yasukawa '622 patent does describe the submission of a credit card number and the verification of the validity of the credit card information in order to pay for the encryption key. However, the validation of a credit card account, such as by ensuring that the credit card account is open and has a sufficient credit limit to pay for the encryption key, does not authenticate the user as recited by amended independent Claims 1 and 9. As such, although Applicant submits that the Blatter '873 patent and the Yasukawa '622 patent cannot properly be combined as described above, and even if combined, the combination of these references does not teach or suggest that authenticated contact is established between the local computer system and the external data source via the internet prior to the provision of the additional protection data, as recited by the claimed invention.

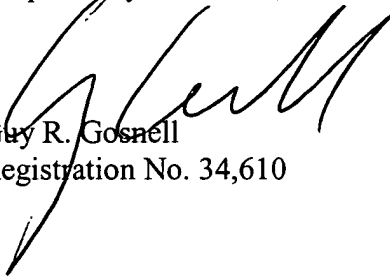
For each of the foregoing reasons, Applicant submits that amended independent Claims 1 and 9, as well as the dependent claims that depend therefrom, are not taught or suggested by the cited references, taken either individually or in combination. As such, the rejection of the amended set of claims as being obvious over the Blatter '873 patent in view of the Yasukawa '622 patent is therefore overcome.

CONCLUSION

Applicant appreciates the Examiner's consideration of the amendments to independent Claims 1 and 9 which do not raise new issues as described above, but which, instead, amplify certain aspects of the claims to highlight the patentable distinctions between the claimed invention and the cited references. In view of the amended claims and remarks submitted above, it is respectfully submitted that the amended set of claims is in condition for immediate allowance. Applicant therefore requests reconsideration of the present application to issuance of a Notice of Allowance. In the event that any additional matters arise, however, Applicant suggests that the Examiner contact Applicant's undersigned attorney to expedite the examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,




Guy R. Gosnell
Registration No. 34,610

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 5, 2004



Gwen Brickhoeffter